

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 VISHAL SINGH UPPAL,

12 Plaintiff,

13 v.

14 JOSEPH WILLIE et al.,

15 Defendant.

16
17 Case No. C06-5167 FDB

18
19 ORDER ADOPTING REPORT AND
20 RECOMMENDATION DISMISSING
21 PLAINTIFF'S MOTION FOR STAY
22 AND DENYING MOTION FOR
23 INDIVIDUAL HEARING

24
25 This matter comes before the Court on the Magistrate Judge's recommendation that
26 Plaintiff's motion seeking a stay of his "order of deportation and removal" be dismissed on the basis
that this Court cannot entertain a motion to stay deportation in Plaintiff's civil rights action. Plaintiff
has filed Objections to the Report and Recommendation and moved for an evidentiary hearing.

27
28 As aptly stated by the Magistrate Judge, issues of deportation and removal and the fact or
29 duration of confinement must proceed in habeas corpus. Additionally, Plaintiff has previously filed a
30 habeas petition which was denied. The Ninth Circuit has denied Plaintiff's motion to stay removal
31 pending appeal of the denial of the habeas corpus petition. Accordingly, the Court will not consider
32

33 ORDER - 1

1 a motion to stay deportation in a civil rights action. Plaintiff's request for an individual hearing to
2 present testimony is denied for the same reasons.

3 The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelly
4 Arnold, Objections to the Report and Recommendation, and the remaining record, does hereby find
5 and Order:

- 6 (1) The Court adopts the Report and Recommendation;
7 (2) The motions for stay and an evidentiary hearing are DISMISSED
8 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for any
9 Defendants who have appeared, and to the Hon. J. Kelly Arnold.

10

11

DATED this 27th day of October, 2006.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

ORDER - 2